

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SOUTH SHORE SAVINGS BANK,
SUCCESSOR-BY-MERGER TO SOUTH
WEYMOUTH SAVINGS BANK,

Plaintiff,

v.

CIVIL ACTION NO. 05-11754RGS

JOEL K. LOGAN, INDIVIDUALLY AND AS
TRUSTEE OF CRESTVIEW MANAGEMENT
TRUST; MARY ELLEN LOGAN,
INDIVIDUALLY AND AS TRUSTEE OF
CRESTVIEW MANAGEMENT TRUST;
MASSACHUSETTS DEPARTMENT OF
REVENUE, J. GLAB, LLC AS ASSIGNEE OF
KING DAVID TRUST; CIRELLI FOODS, INC.;
INTERNAL REVENUE SERVICE; JONATHAN
BASHEIN AS ASSIGNEE OF NIXON
PEABODY, LLP; ROBERT J. GRIFFIN, ESQ.;
THOMAS F. REILLY, ATTORNEY GENERAL
OF THE COMMONWEALTH OF
MASSACHUSETTS; THE COMMONWEALTH
OF MASSACHUSETTS BY ITS DEPARTMENT
OF PUBLIC HEALTH; HEALTHCARE
CAPITAL RESOURCES, INC., AND HCFP
FUNDING, INC., SUCCESSOR-IN-INTEREST
TO HEALTH PARTNERS FUNDING, L.P.,

Defendants.

J GLAB LLC'S MOTION FOR SUMMARY JUDGMENT

Defendant J Glab LLC hereby moves, pursuant to Fed. R. Civ. P. 56(b), for a summary judgment order in its favor declaring that it is the junior lienholder entitled to any and all surplus proceeds from a mortgage foreclosure. The instant action involves a Complaint for Interpleader brought by Plaintiff South Shore Savings Bank (the "Bank"), a foreclosing mortgagee, which

holds surplus proceeds resulting from a foreclosure sale. The Bank alleges that it filed the interpleader action as a result of conflicting claims and interests to the surplus funds. As Defendant J Glab LLC is the junior lienholder next in priority and is owed an amount greater than the available surplus proceeds, it now seeks an award of summary judgment declaring that it is entitled to any and all surplus funds.¹

WHEREFORE, J Glab LLC respectfully requests that the Court:

1. Enter summary judgment in favor of J Glab LLC, declare that it is entitled to any and all surplus proceeds from the foreclosure sale, and further declare that the other defendants and any other individuals and/or entities who have failed to enter an appearance in this action who later claim an interest in the surplus proceeds be permanently enjoined from instituting any such action against J Glab LLC; and
2. Order such further relief as is just and necessary.

In further support of this Motion for Summary Judgment, J Glab LLC files herewith and incorporates herein by reference the following:

1. Memorandum of Law in Support of J Glab LLC's Motion for Summary Judgment;
2. Defendant J Glab LLC's Concise Statement of Undisputed Material Facts

Required by Local Rule 56.1; and

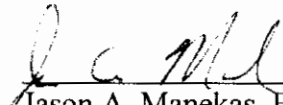
3. Affidavit of John Glab.

¹ Since J Glab LLC has not yet been provided a formal accounting or all supporting documentation from the Bank, it seeks an order that it is entitled to all surplus proceeds, but reserves its rights to contest what that amount should be.

REQUEST FOR HEARING

In accordance with Local Rule 7.1(D), J Glab LLC hereby requests oral argument on its motion to the extent any oppositions thereto are filed.

J GLAB LLC,
By its attorneys,



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Dated: August 31, 2005
#318273 v2/36503/66

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each other party by mail (by hand) 8/31/05

